

Notice of Allowability

Application No.

10/058,376

Examiner

Preeti Kumar

Applicant(s)

YAMAGUCHI ET AL.

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to February 11, 2004.
2. ☒ The allowed claim(s) is/are 1-8 and 11-16 renumbered 1-14.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Response to Amendment

1. Claims 1 and 7 are amended and claims 9-10 are cancelled as per the amendment filed February 11, 2004.
2. The rejection of claims 1-12 under 35 U.S.C. 102(b) as being anticipated by Chang et al. (US 4,937,123) is withdrawn in light of Applicant's amendments and arguments filed February 11, 2004.
3. The rejection of claims 1-12 under 35 U.S.C. 103(a) as being obvious over Chang et al. (US 4,937,123) is withdrawn in light of Applicant's amendments and arguments filed February 11, 2004.

EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Abraham Rosner on Monday April 5, 2004.

5. The application has been amended as follows:

The claims:

In claim 4, delete "obtainable" and insert --obtained--.

In claim 5, delete "obtainable" and insert --obtained--.

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In claim 7, delete "usable" and replace with --for use -- and insert --the method-- after the word "textile" and insert --mixing-- after the phrase "preparing a treatment liquid comprising" and insert --where in the treatment liquid comprises a stain blocking agent, a sulfated castor oil, and optionally, water and having a pH of at most 7, and-- after the phrase "(4) washing the textile with water and dehydrating the textile".

In claim 15, delete "step".

In claim 16, delete "step".

Reasons For Allowance

6. The following is an examiner's statement of reasons for allowance: Claims 1-8 and 11-16, renumbered 1-14, are allowable over the prior art of record. The Examiner's amendment above and the Remarks and Amendments filed by the applicant's on February 11, 2003 are sufficient to place the instant claims in condition for allowance.

The most pertinent prior art is Chang et al. (US 4,937,123). Chang et al. teach a method for imparting polyamide materials with stain resistance with a solution comprising sulfated castor oil. However, Chang et al. fail to disclose mixing the sulfated castor oil with the stain blocking agent as recited by the instant claims. Specifically, the prior art teaching of Chang et al. disclose that the sulfated castor oil is copolymerized with the acrylate monomers to give a methacrylic polymer. See Applicant's Remarks page 7-8. The instant claims recited that the sulfated castor oil forms a mere mixture with the stain blocking agent. It would not have been obvious to one of ordinary skill in the art to formulate a mere mixture of sulfated castor oil and stain blocking agent

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because the teachings of Chang et al. disclose that the sulfated castor oil is a monomer component of the methacrylic polymer and thus the sulfated castor oil is not mixed but is copolymerized with the stain blocking agent. Patentable weight is given to the method of mixing the sulfated castor oil with a stain blocking agent that is already polymerized and can no longer be polymerized when mixed with the sulfated castor oil. Accordingly the instant claims are deemed allowable.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 571-272-1320. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra N. Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Preeti Kumar
Examiner
Art Unit 1751

PK



MARGARET EINSMANN
PRIMARY EXAMINER
GROUP 1100